

EXHIBIT D



LexisNexis Transaction ID: 26336556

Mark Harper, Clerk

Tascr International, Inc., et. al.,

Plaintiffs

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Morgan Stanley & Co., Inc., et al.,

Defendants.

Civil Action File No.:

2008 EV004739

The above-styled case is before this Court on the Defendants' Motion to Dismiss

Plaintiff's Third-Amended Complaint and, Alternatively, Motion for a More Definite

Statement. Oral argument was heard on the motion on May 12, 2009.

Having read and considered the entire record of the case, and having heard from the parties, the Court finds that with respect to the Defendants' Motion for a More Definite Statement pursuant to O.C.G.A. § 9-11-12(e), the Plaintiffs' Third-Amended Complaint is not so vague and ambiguous or indefinite that the Defendants cannot form a responsive pleading as the Defendants have all filed proper responsive pleadings in the form of their answers to the Third-Amended Complaint. Furthermore, the Court finds that the Plaintiffs have revised their complaint to provide a more definite statement with both their Fourth and Fifth Amended Complaint and thus the Defendant's Motion is MOOT.

In regards to the Defendants' Motion to Dismiss the Plaintiffs' Third-Amended Complaint, the Court finds the Defendants have failed to meet the standard required for a Motion to Dismiss and to prove to this Court that the plaintiff would not be entitled to relief under any state of provable facts. The Plaintiffs have properly pled and stated a claim upon which relief can be granted. The Court therefore DENIES the Defendants' Motion to Dismiss the Plaintiff's Third-Amended Complaint.

SO ORDERED, this 28 day of July, 2009.


Judge Patsy Y. Porter
State Court of Fulton County